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Letter dated 9 January 2017 from the Permanent Representative of the Democratic Republic of the Congo to the United Nations addressed to the President of the Security Council

Upon instructions from my Government, I have the honour to draw the attention of the Security Council to the presence on the territory of the Democratic Republic of the Congo of South Sudanese combatants, a matter that has already been brought to the attention of the Council on previous occasions in the report of the Secretary-General of 3 October 2016 on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) (see S/2016/833) and the letter dated 18 October 2016 and addressed to you by the Secretary-General (S/2016/875).

Since the version of events presented in these two documents leaves a lot unsaid, my Government considers that it is important to provide the Council with its own version of events so that you have the fullest possible picture and can accordingly grasp all the circumstances involved.

Indeed, after they had fled Juba following heavy fighting from 8 to 25 July 2016, the South Sudanese combatants were still located within the borders of their own country, specifically 6 kilometres from the border with the Democratic Republic of the Congo, when MONUSCO went to collect them, without the knowledge of the Government of the Democratic Republic of the Congo, in order to bring them into our territory. Only after bringing them into the Democratic Republic of the Congo did MONUSCO inform the authorities of my country of the presence of the combatants, who included the former first Vice-President of South Sudan, Riek Machar, and some members of his family.

We also feel the need to specify at this point, since neither the report nor the letter of the Secretary-General mentioned it, that as MONUSCO was extracting the South Sudanese combatants from their country, it also brought foreign nationals accompanying those persons into the Democratic Republic of the Congo.

Worse still is that, after having informed the Government of the presence of the combatants on the territory of the Democratic Republic of the Congo, MONUSCO placed them, without seeking the Government's advice in advance, in a highly sensitive area in which armed groups are active.

During the meeting between the Secretariat, represented by the Head of the Department of Peacekeeping Operations, and the delegation of the Democratic Republic of the Congo on the sidelines of the meetings of the General Assembly, the Minister for Foreign Affairs and International Cooperation of my country presented

to him the situation described above and informed him that it was the responsibility of the United Nations, as the creator of this situation, to repatriate the combatants as quickly as possible or to find a third host country in order to spare our country another situation similar to the one we are already facing with the members of the Forces démocratiques de libération du Rwanda who previously entered our country at the request of the international community.

It should be noted that the Minister for Foreign Affairs of my country did not link the demanded urgent repatriation to any precondition, contrary to what is suggested at the end of paragraph 6 of the Secretary-General's letter.

During the latest meeting between the Head of the Department of Peacekeeping Operations and the permanent representatives of the two affected countries, the permanent representative of the Democratic Republic of the Congo confirmed the position of his Minister for Foreign Affairs concerning this matter. As for finding a third country to host the combatants, the representative of the Democratic Republic of the Congo made it known, in response to the Department, that his country could not commit to such an action that should in principle be carried out by the United Nations which, acting through MONUSCO, had taken the initiative of removing the combatants from their own country and taking them to the Democratic Republic of the Congo.

On the basis of the responsibility of MONUSCO in this matter, my Government decided, as noted in paragraph 7 of the Secretary-General's letter, and as explained in its note verbale of 1 October 2016, to give the combatants one week, as of 3 October 2016, to leave the territory of the Democratic Republic of the Congo, and requested MONUSCO to take all necessary measures for their extraction.

My Government is very surprised to note that the United Nations is seeking to subtly extricate itself from this situation by presenting MONUSCO as the one that, in this instance, is placing itself at the disposal of the authorities of the Democratic Republic of the Congo in order to provide assistance, whereas in fact it is MONUSCO that created the problem and therefore must necessarily find a solution to it.

Consequently, my Government requests the Security Council to:

1. Take note of the information provided above and request MONUSCO to correct the facts of the situation that it created and that places my country in an uncomfortable position with respect to the Government of South Sudan;

2. Remind MONUSCO of the limits of its mandate so that such situations do not arise again in future;

3. Resolve the problem, in its capacity as the institution that created the situation, by acting through MONUSCO, which took the initiative to bring the combatants into the Democratic Republic of the Congo, and by taking all necessary measures for their extraction urgently and without delay.

My Government requests the Security Council to take action on the present letter and to have it circulated as a document of the Council.

(*Signed*) Ignace **Gata Mavita**
Ambassador
Permanent Representative